

**IC 34-33.1**

**ARTICLE 33.1. AUTHORITY OF THE ATTORNEY GENERAL**

**IC 34-33.1-1**

**Chapter 1. Authority of the Attorney General to Intervene in Cases Challenging the Constitutionality of a Statute, Ordinance, or Franchise**

**IC 34-33.1-1-1**

**Authority of the attorney general to intervene to defend the constitutionality of a state statute; duty of the court to notify the attorney general**

Sec. 1. (a) If the constitutionality of a state statute, ordinance, or franchise affecting the public interest is called into question in an action, suit, or proceeding in any court to which any agency, officer, or employee of the state is not a party, the court shall certify this fact to the attorney general and shall permit the attorney general to intervene on behalf of the state and present:

- (1) evidence that relates to the question of constitutionality, if the evidence is otherwise admissible; and
- (2) arguments on the question of constitutionality.

(b) If a party to an action bases its claim or defense on:

- (1) a statute or executive order administered by a state officer or agency; or
- (2) a rule, order, requirement, or agreement issued or made under the statute or executive order;

the attorney general shall be permitted to intervene in the action.

*As added by P.L.40-2010, SEC.2.*

**IC 34-33.1-1-2**

**Authority of the attorney general to file an amicus brief**

Sec. 2. The state, by the attorney general, may file an amicus curiae brief in any matter pending in any state court without the consent of the parties or leave of the court. The attorney general shall file the amicus curiae brief within the time allowed for the party with whom the state is substantively aligned to file the party's brief or petition. However, for good cause shown, a court may permit the attorney general to file a belated amicus curiae brief. If the court permits the filing of a belated amicus curiae brief, the court shall set a deadline for an opposing party to file a reply brief.

*As added by P.L.40-2010, SEC.2.*